

SPEARS & IMES LLP

51 Madison Avenue  
New York, NY 10010  
tel 212-213-6996  
fax 212-213-0849

David Spears  
tel 212-213-6991  
dspears@spearsimes.com

May 13, 2022

**BY ECF**

Honorable Vernon S. Broderick  
United States District Judge  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, New York 10007

**In re Request of Susan Devine for Judicial Assistance Pursuant to 28 U.S.C. § 1782**  
**For the Liechtenstein Princely Court**

Dear Judge Broderick:

I am writing in connection with Petitioner Susan Devine's Motion for Expedited Consideration of *Ex Parte* Request of Susan Devine for Judicial Assistance Pursuant to 28 U.S.C. §1782 for the Liechtenstein Princely Court (the "Motion"), including the subpoena *duces tecum* Ms. Devine proposes to serve on Spears & Imes LLP in connection with the Motion.

The real parties in interest with regard to the requested materials are the Absolute Activist Value Master Fund Limited and multiple affiliates (the "Funds"). The Funds have been involved in extensive continuous litigation with Ms. Devine in the Middle District of Florida and/or the Eleventh Circuit Court of Appeals since 2015. Lead counsel for the Funds at this time in the District Court and Eleventh Circuit proceedings is the law firm of Kozyak Tropin & Throckmorton LLP in Miami, Florida. It is my understanding that lead counsel intends to seek leave for the Funds to intervene in this proceeding.

Ms. Devine sought the same relief in the District Court in Florida that she is presently seeking from this Court, and her motion was rejected. She appealed that denial to the Eleventh Circuit, and she simultaneously sought an emergency stay of the District Court's ruling against her. I am attaching a copy of the Funds' response to Ms. Devine's motion to stay the District Court's rejection of her motion, which was filed with the Eleventh Circuit this morning at 9:58 AM. The response notes that Ms. Devine has been seeking the same relief for more than four years, including five appeals to the Eleventh Circuit and two appeals to the United States Supreme Court. At approximately 12:47 PM today, the Eleventh Circuit denied Ms. Devine's motion to stay. In an implicit acknowledgement of the record of Ms. Devine's vexatious conduct before that Court, the order denying her motion for a stay states: "The Clerk is directed to treat any motion for reconsideration of this order as a non-emergency matter." (See attached order issued by the United States Circuit Court for the Eleventh Circuit.)

Honorable Vernon S. Broderick

- 2 -

The present Motion represents an effort by Ms. Devine to start over before a new court in a new jurisdiction. In light of the history of the proceedings referred to above, Spears & Imes LLP respectfully requests that the Court defer any ruling on Ms. Devine's Motion until lead counsel for the Funds has had an opportunity to make an appearance on behalf of the Funds.

Thank you for your attention to this matter.

Respectfully submitted,

A handwritten signature in blue ink that reads "David Spears". The signature is fluid and cursive, with a long horizontal stroke at the end.

David Spears

cc: Counsel for Susan Devine (by ECF)

Enclosures